



11-CV-00847-CLM

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID MUNGAI NJENGA,

Petitioner,

v.

NATHALIE ASHER,

Respondent.

Case No. C11-847-JLR-BAT

**ORDER GRANTING MOTION  
FOR STAY OF BRIEFING  
UNTIL ISSUANCE OF  
MANDATE IN *DIOUF V.*  
*NAPOLITANO***

The Court, having reviewed petitioner's Petition for Writ of Habeas Corpus, respondent's Motion for Stay of Briefing Pending Issuance of Mandate in *Diouf v. Napolitano*, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and <sup>Petitioner's</sup> ~~any~~ <sup>Objection (Oct 16)</sup> ~~objections thereto~~, and the remaining record, finds and Orders as follows:

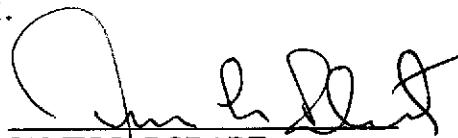
1. The Court adopts the Report and Recommendation.
2. Respondent's Motion for Stay of Briefing Pending Issuance of Mandate in *Diouf v. Napolitano*, Dkt. No. 12, is GRANTED. Respondents shall file their Return and Status Report no later than 45 days after the Ninth Circuit issues its mandate in *Diouf*.
3. The Clerk shall remove any pending motions from the motion calendar until further notice by the Court.

ORDER GRANTING MOTION FOR STAY OF BRIEFING UNTIL  
ISSUANCE OF MANDATE IN *DIOUF V. NAPOLITANO* - 1

1 4. Respondent shall notify the Court once the mandate in *Diouf* issues.

2 5. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

3 DATED this 13<sup>th</sup> day of July, 2011.

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5 JAMES L. ROBART  
6 United States District Judge  
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